

United States District Court
for
Middle District of Tennessee

Petition to Modify the Condition or Term of Supervision
(Probation Form 49 Waiver of Hearing on the Modification is attached)

Name of Offender: Bounmy Chomsavanh Case Number: 3:09-00049-12
Name of Judicial Officer: Honorable William J. Haynes, Jr., Chief U. S. District Judge
Date of Original Sentence: November 30, 2011
Original Offense: 21 U.S.C. § 846 Conspiracy to Possess with Intent to Distribute a quantity of MDMA (Ecstasy) and a quantity Marijuana
Original Sentence: Time-served in custody and 3 years' supervised release
Type of Supervision: Supervised Release Date Supervision Commenced: November 30, 2011
Assistant U.S. Attorney: Lynne Ingram Defense Attorney: Lawrence L. Arnkoff

PETITIONING THE COURT

- To modify the release conditions as follows:

The defendant shall participate in a program of drug testing and substance abuse treatment which may include a 30-day inpatient treatment program followed by up to 90 days in a residential reentry center at the direction of the U. S. Probation Office. The defendant shall pay all or part of the cost for substance abuse treatment if the probation officer determines the defendant has the financial ability to do so or has appropriate insurance coverage to pay for such treatment.

THE COURT ORDERS:

- ☒ A hearing to consider the modification is scheduled for: July 19, 2013 at 4:30pm
☐ No Action
☐ The extension of supervision as noted above.
☐ The modification(s) as noted above.
☐ Other

Considered this 12th day of July, 2013 and made a part of the records in the above case.

William J. Haynes, Jr.
William J. Haynes, Jr.
Chief U. S. District Judge

I declare under penalty of perjury that the foregoing is true and correct. Respectfully submitted,

Joshua Smith
Joshua Smith
U.S. Probation Officer

Place Nashville, Tennessee

Date July 10, 2013

ALLEGED VIOLATIONS

The probation officer believes that the offender has violated the following condition(s) of supervision:

Violation No. Nature of Noncompliance

1. **The defendant shall participate in a substance abuse treatment program as approved by the Probation Office on an outpatient basis.**

Mr. Chomsavanh failed to report for drug testing on four occasions.

April 8, 2013

April 17, 2013

June 3, 2013

June 24, 2013

Compliance with Supervision Conditions and Prior Interventions:

Mr. Chomsavanh was sentenced to time served and released on November 30, 2011. He is scheduled to terminate supervision on November 29, 2014. He was taken back into custody on a detainer with U. S. Immigration and Customs Enforcement on December 1, 2011. He was released from the detainer on March 27, 2012. He was referred for a substance abuse assessment on March 28, 2012. The assessment was completed on April 24, 2012, and substance abuse treatment was recommended. He began treatment on May 9, 2012, and he is still enrolled in treatment at this time.

Mr. Chomsavanh was employed with Jani King from September 2012 until March 2013. He has remained unemployed to date.

A report was submitted to the Court on January 4, 2013, to inform that Mr. Chomsavanh tested positive for Methamphetamine on December 17, 2012, and missed substance abuse treatment on two occasions. As a result of the positive drug test, his drug testing and substance abuse treatment were both increased.

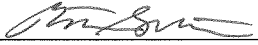
A report was submitted to the Court on January 25, 2013, to inform that Mr. Chomsavanh tested positive for Methamphetamine on January 2, 2013. Since January 2, 2013, all drug tests results have been negative for illegal drug use.

As a result of Mr. Chomsavanh's positive drug tests and more recent failures to report for drug testing, a modification to his conditions is requested in order to increase substance abuse treatment, if it becomes necessary. He is agreeable to the proposed modification of his release conditions.

U.S. Probation Officer Recommendation:

It is recommended that the offender's release conditions be modified as indicated.

The U. S. Attorney's Office has been advised of the offender's noncompliance and the probation officer's request for the proposed modification.

Approved: 
 Britton Shelton
 Supervisory U.S. Probation Officer

Waiver of Hearing to Modify Conditions
of Probation/Supervised Release or Extend Term of Supervision

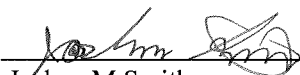
UNITED STATES DISTRICT COURT
for the
MIDDLE DISTRICT OF TENNESSEE

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release or my period of supervision being extended. By 'assistance of counsel', I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the Court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release or to the proposed extension of my term of supervision:

The defendant shall participate in a program of drug testing and substance abuse treatment which may include a 30-day inpatient treatment program followed by up to 90 days in a residential reentry center at the direction of the U. S. Probation Office. The defendant shall pay all or part of the cost for substance abuse treatment if the probation officer determines the defendant has the financial ability to do so or has appropriate insurance coverage to pay for such treatment.

Witness:


Joshua M Smith
U.S. Probation Officer

Signed:


Bounmy Chomsavanh
Probationer or Supervised Releasee

July 8, 2013

Date